

# **JOURNAL OF THE SENATE**

## **NINETY-FIRST SESSION**

---

THIRTEENTH DAY

---

STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, February 2, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Kathryn Paulson.

Roll Call: All members present except Sen. Novstrup who was excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twelfth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 32, 37, 40, and 41 and finds the same correctly enrolled.

Respectfully submitted,  
Gary Cammack, Chair

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1052 and 1057 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1040 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 62 which was deferred to the 41<sup>st</sup> Legislative Day.

Respectfully submitted,  
R. Blake Curd, Chair

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1018, 1019, and 1020 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,  
Gary Cammack, Chair

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration  
3 HB 1055 and 1058 and returns the same with the recommendation that said bills do pass.

4 Also MR. PRESIDENT:

5 The Committee on Judiciary respectfully reports that it has had under consideration SB 93  
6 and HB 1021, 1022, and 1062 and returns the same with the recommendation that said bills do  
7 pass and be placed on the consent calendar.

8 Respectfully submitted,  
9 Craig Tieszen, Chair

10 **MESSAGES FROM THE HOUSE**

11 MR. PRESIDENT:

12 I have the honor to return herewith SB 32, 37, 40, and 41 which have passed the House  
13 without change.

14 Respectfully,  
15 Arlene Kvislen, Chief Clerk

16 **MOTIONS AND RESOLUTIONS**

17 **SCR 2: A CONCURRENT RESOLUTION**, Supporting efforts to ensure that students from  
18 South Dakota have access to debt-free higher education at public colleges and universities.

19 Was read the second time.

20 Sen. Buhl O'Donnell moved that SCR 2 as found on page 161 of the Senate Journal be  
21 adopted.

22 The question being on Sen. Buhl O'Donnell's motion that SCR 2 be adopted.

23 And the roll being called:

24 Yeas 8, Nays 26, Excused 1, Absent 0

25 Yeas:

26 Bradford; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Peterson (Jim); Sutton

1 Nays:

2 Brown; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock); Haggard (Jenna); Haverly;  
3 Heineman (Phyllis); Holien; Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Peters;  
4 Rampelberg; Rusch; Shorma; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

5 Excused:

6 Novstrup (David)

7 So the motion not having received an affirmative vote of a majority of the members-elect,  
8 the President declared the motion lost.

9 HCR 1002: A CONCURRENT RESOLUTION, Supporting the selection of the F-35 Joint  
10 Strike Fighter beddown at Joe Foss Field, 114<sup>th</sup> Fighter Wing, South Dakota Air National Guard.

11 Was read the second time.

12 Sen. Peters moved that the Senate do concur in HCR 1002 as found on page 178 of the  
13 House Journal.

14 The question being on Sen. Peters' motion that HCR 1002 be concurred in.

15 And the roll being called:

16 Yeas 34, Nays 0, Excused 1, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
19 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
20 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
21 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
22 White

23 Excused:

24 Novstrup (David)

25 So the motion having received an affirmative vote of a majority of the members-elect, the  
26 President declared the motion carried and HCR 1002 was concurred in.

27 HCR 1003: A CONCURRENT RESOLUTION, Encouraging recognition of the current  
28 gender wage gap and calling for the enforcement of equal pay for equal work laws.

29 Was read the second time.

30 Sen. Buhl O'Donnell moved that the Senate do concur in HCR 1003 as found on page 179  
31 of the House Journal.

1 The question being on Sen. Buhl O'Donnell's motion that HCR 1003 be concurred in.

2 And the roll being called:

3 Yeas 27, Nays 6, Excused 2, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
6 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Otten  
7 (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton;  
8 Tidemann; Tieszen; White

9 Nays:

10 Holien; Jensen (Phil); Monroe; Olson; Omdahl; Van Gerpen

11 Excused:

12 Novstrup (David); Vehle

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 President declared the motion carried and HCR 1003 was concurred in.

15 Sen. Brown moved that SB 54 be deferred to Wednesday, February 3<sup>rd</sup>, the 14<sup>th</sup> legislative  
16 day.

17 Which motion prevailed.

18 **CONSIDERATION OF REPORTS OF COMMITTEES**

19 Sen. Brown moved that the reports of the Standing Committees on

20 Joint Committee on Appropriations on SB 12 as found on page 158 of the Senate  
21 Journal; also

22 Judiciary on SB 26 as found on page 158 of the Senate Journal; also

23 Education on SB 81 as found on page 159 of the Senate Journal be adopted.

24 Which motion prevailed.

**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

SB 124 Introduced by: Senator White and Representative Westra

FOR AN ACT ENTITLED, An Act to enhance South Dakota.

Was read the first time and referred to the Committee on State Affairs.

SB 125 Introduced by: Senator White and Representative Westra

FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in South Dakota.

Was read the first time and referred to the Committee on State Affairs.

SB 126 Introduced by: Senator White and Representative Westra

FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

Was read the first time and referred to the Committee on State Affairs.

SB 127 Introduced by: Senators Brown, Ewing, Heinert, Monroe, Parsley, Peterson (Jim), Soholt, Solano, Sutton, Tieszen, and White and Representatives Westra, Bartling, Brunner, Gosch, Haggar (Don), Harrison, Hawley, Rounds, Schaefer, Stalzer, Stevens, Werner, and Zikmund

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the requirements for placement of a utility facility across a railroad right-of-way.

Was read the first time and referred to the Committee on Transportation.

SB 128 Introduced by: Senator Peters and Representative Willadsen

FOR AN ACT ENTITLED, An Act to guarantee consumer choice.

Was read the first time and referred to the Committee on State Affairs.

1 SB 129 Introduced by: Senators Haggar (Jenna), Bradford, Curd, Greenfield (Brock),  
2 Haverly, Heinert, Olson, Otten (Ernie), Parsley, Rampelberg, Rusch, Solano, and Van Gerpen  
3 and Representatives DiSanto, Beal, Brunner, Gosch, Greenfield (Lana), Haggar (Don),  
4 Heinemann (Leslie), Hunt, Kirschman, Klumb, Latterell, Otten (Herman), Qualm, Rasmussen,  
5 Rozum, Stalzer, Werner, Wiik, Willadsen, Wollmann, and Zikmund

6 FOR AN ACT ENTITLED, An Act to establish certain suicide awareness and prevention  
7 training requirements for certain school employees based on the Jason Flatt Act.

8 Was read the first time and referred to the Committee on Education.

9 SB 130 Introduced by: Senators Jensen (Phil), Greenfield (Brock), Haggar (Jenna), Holien,  
10 Monroe, Olson, Omdahl, Rampelberg, and Rusch and Representatives DiSanto, Brunner, Craig,  
11 Greenfield (Lana), Haugaard, Qualm, Russell, and Wiik

12 FOR AN ACT ENTITLED, An Act to require the processing of sexual assault exam kits.

13 Was read the first time and referred to the Committee on Judiciary.

14 SB 131 Introduced by: The Committee on Appropriations at the request of the Office of  
15 the Governor

16 FOR AN ACT ENTITLED, An Act to establish a target teacher salary and a target teacher  
17 ratio and to revise certain provisions regarding education funding.

18 Was read the first time and referred to the Committee on State Affairs.

19 SB 132 Introduced by: The Committee on Appropriations at the request of the Office of  
20 the Governor

21 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding education  
22 funding.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 133 Introduced by: The Committee on Appropriations at the request of the Office of  
25 the Governor

26 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding shared services  
27 provided by the state to school districts, the sharing of services of school district employees, the  
28 classroom innovation grant program, and educator mentoring and certification reciprocity.

29 Was read the first time and referred to the Committee on State Affairs.

SB 134 Introduced by: Senator Heinert and Representatives Killer, Bordeaux, Gibson, Hawks, and Soli

FOR AN ACT ENTITLED, An Act to prohibit the Public Utilities Commission from granting certain permits until federal approval is granted.

Was read the first time and referred to the Committee on Commerce and Energy.

SJR 2 Introduced by: Senators Hunhoff (Bernie), Parsley, Peterson (Jim), and Rampelberg and Representatives Brunner and Feickert

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election a new section to Article XI of the Constitution of the State of South Dakota, relating to the imposition of a corporate income tax and dedication of the revenue therefrom.

Was read the first time and referred to the Committee on Taxation.

## CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive reappointment of Lyla Hutchison of Oglala Lakota County, Wounded Knee, South Dakota, to the State Brand Board.

The question being "Does the Senate advise and consent to the executive reappointment of Lyla Hutchison pursuant to the executive message as found on page 34 of the Senate Journal?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Excused:

Novstrup (David)

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.



1                   **SECOND READING OF CONSENT CALENDAR ITEMS**

2           HB 1030: FOR AN ACT ENTITLED, An Act to revise certain codes and standards  
3 regarding fire prevention.

4           Was read the second time.

5           The question being "Shall HB 1030 pass?"

6           And the roll being called:

7           Yeas 33, Nays 0, Excused 2, Absent 0

8           Yeas:

9   Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
10 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
11 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim); Rampelberg;  
12 Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

13          Excused:

14   Novstrup (David); Peters

15          So the bill having received an affirmative vote of a majority of the members-elect, the  
16 President declared the bill passed and the title was agreed to.

17          HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
18 guaranteed energy savings contracts.

19          Was read the second time.

20          The question being "Shall HB 1032 pass?"

21          And the roll being called:

22          Yeas 33, Nays 0, Excused 2, Absent 0

23          Yeas:

24   Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
25 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
26 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim); Rampelberg;  
27 Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

28          Excused:

29   Novstrup (David); Peters

1       So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3       HB 1038: FOR AN ACT ENTITLED, An Act to update certain citations to federal  
4 regulations regarding pipeline safety inspections.

5       Was read the second time.

6       The question being "Shall HB 1038 pass?"

7       And the roll being called:

8       Yeas 33, Nays 0, Excused 2, Absent 0

9       Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
11 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
12 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim); Rampelberg;  
13 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14       Excused:

15 Novstrup (David); Peters

16       So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18       HB 1041: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
19 recovery of certain insurance company premium and annuity taxes.

20       Was read the second time.

21       The question being "Shall HB 1041 pass?"

22       And the roll being called:

23       Yeas 33, Nays 0, Excused 2, Absent 0

24       Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
26 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
27 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim); Rampelberg;  
28 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29       Excused:

30 Novstrup (David); Peters

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 65: FOR AN ACT ENTITLED, An Act to revise the procedure for a municipal recall  
5 petition.

6 Was read the second time.

7 The question being "Shall SB 65 pass as amended?"

8 And the roll being called:

9 Yeas 33, Nays 1, Excused 1, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
12 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
13 Jensen (Phil); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;  
14 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

15 Nays:

16 Monroe

17 Excused:

18 Novstrup (David)

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 President declared the bill passed and the title was agreed to.

21 SB 10: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract  
22 for the renovation and construction of an addition to Harding Hall on the campus of South  
23 Dakota State University and to make an appropriation therefor.

24 Was read the second time.

25 The question being "Shall SB 10 pass?"

26 And the roll being called:

27 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
3 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
4 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
6 White

7 Excused:

8 Novstrup (David)

9 So the bill having received an affirmative vote of a two-thirds majority of the  
10 members-elect, the President declared the bill passed and the title was agreed to.

11 SB 11: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
12 land from the Dakota State University Foundation for the use and benefit of Dakota State  
13 University in Madison, to make an appropriation therefor, and to declare an emergency.

14 Was read the second time.

15 The question being "Shall SB 11 pass?"

16 And the roll being called:

17 Yeas 34, Nays 0, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
20 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
21 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
22 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
23 White

24 Excused:

25 Novstrup (David)

26 So the bill having received an affirmative vote of a two-thirds majority of the  
27 members-elect, the President declared the bill passed and the title was agreed to.

28 SB 17: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to  
29 suppression of wildfires in the state and to declare an emergency.

30 Was read the second time.

1 The question being "Shall SB 17 pass?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
6 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
7 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
8 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
9 White

10 Excused:

11 Novstrup (David)

12 So the bill having received an affirmative vote of a two-thirds majority of the  
13 members-elect, the President declared the bill passed and the title was agreed to.

14 SB 18: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated  
15 natural resources conservation fund to the State Conservation Commission and to declare an  
16 emergency.

17 Was read the second time.

18 The question being "Shall SB 18 pass?"

19 And the roll being called:

20 Yeas 34, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
23 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
24 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
25 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
26 White

27 Excused:

28 Novstrup (David)

29 So the bill having received an affirmative vote of a two-thirds majority of the  
30 members-elect, the President declared the bill passed and the title was agreed to.

1 SB 68: FOR AN ACT ENTITLED, An Act to make appropriations from the water and  
2 environment fund and its revolving fund subfunds for various water and environmental  
3 purposes, to revise solid waste management program recycling provisions, to revise water and  
4 environment fund loan terms, and to declare an emergency.

5 Was read the second time.

6 The question being "Shall SB 68 pass?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
11 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
12 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
13 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
14 White

15 Excused:

16 Novstrup (David)

17 So the bill having received an affirmative vote of a two-thirds majority of the  
18 members-elect, the President declared the bill passed and the title was agreed to.

19 SB 24: FOR AN ACT ENTITLED, An Act to prohibit the sale of fetal body parts and to  
20 provide a penalty therefor.

21 Was read the second time.

22 The question being "Shall SB 24 pass?"

23 And the roll being called:

24 Yeas 34, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
27 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
28 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
29 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
30 White

31 Excused:

32 Novstrup (David)

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3 SB 25: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
4 forfeiture of property interests of persons convicted of certain crimes.

5 Was read the second time.

6 The question being "Shall SB 25 pass?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
11 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
12 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim); Rampelberg;  
13 Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Novstrup (David); Peters; Rusch

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18 SB 76: FOR AN ACT ENTITLED, An Act to revise certain codes and standards regarding  
19 wind energy system set back requirements.

20 Was read the second time.

21 76rb

22 Sen. Greenfield moved that SB 76 be amended as follows:

23 On page 1, line 5, of the printed bill, overstrike "Each" and insert "For any large wind  
24 energy system erected before July 1, 2016, each".

25 On page 1, line 8, after "system" insert ". Each large wind energy system erected after June  
26 30, 2016, shall be set back 1.1 times the total system height which is the height above grade of  
27 the tallest point of the wind turbine tower, including the rotor radius. Each wind turbine tower  
28 shall also be set back one thousand feet from an occupied structure".

29 Which motion prevailed.

1 The question being "Shall SB 76 pass as amended?"

2 And the roll being called:

3 Yeas 12, Nays 21, Excused 2, Absent 0

4 Yeas:

5 Curd; Fiegen; Frerichs; Greenfield (Brock); Haggar (Jenna); Hunhoff (Bernie); Monroe; Olson;  
6 Parsley; Peterson (Jim); Rusch; Shorma

7 Nays:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Haverly; Heineman (Phyllis); Heinert;  
9 Holien; Jensen (Phil); Omdahl; Otten (Ernie); Rampelberg; Soholt; Solano; Sutton; Tidemann;  
10 Tieszen; Van Gerpen; Vehle; White

11 Excused:

12 Novstrup (David); Peters

13 So the bill not having received an affirmative vote of a majority of the members-elect, the  
14 President declared the bill lost.

15 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
16 chemical testing of commercial drivers.

17 Was read the second time.

18 The question being "Shall SB 34 pass?"

19 And the roll being called:

20 Yeas 28, Nays 5, Excused 2, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Haggar (Jenna); Haverly;  
23 Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Omdahl; Otten (Ernie); Parsley;  
24 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van  
25 Gerpen; Vehle; White

26 Nays:

27 Frerichs; Greenfield (Brock); Heinert; Monroe; Olson

28 Excused:

29 Novstrup (David); Peters

30 So the bill having received an affirmative vote of a majority of the members-elect, the  
31 President declared the bill passed and the title was agreed to.



Sen. Brown moved that SB 3, 5, 8, 63, and 82 be deferred to Wednesday, February 3<sup>rd</sup>, the 14<sup>th</sup> legislative day.

Which motion prevailed.

## SIGNING OF BILLS

The President publicly read the title to

SB 32: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2015.

SB 37: FOR AN ACT ENTITLED, An Act to adopt the 2015 edition of the Uniform Plumbing Code.

SB 40: FOR AN ACT ENTITLED, An Act to revise signature and seal requirements for the Board of Technical Professions.

SB 41: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the Board of Technical Professions.

And signed the same in the presence of the Senate.

## COMMEMORATIONS

SC 6 Introduced by: Senators Greenfield (Brock), Curd, Ewing, Heineman (Phyllis), Holien, Monroe, Olson, Omdahl, Otten (Ernie), Peterson (Jim), Rusch, Shorma, and Tieszen and Representatives Bolin, Anderson, Bartling, Beal, Brunner, Craig, Deutsch, Dryden, Feickert, Gosch, Greenfield (Lana), Haggard (Don), Harrison, Haugaard, Hawks, Hawley, Heinemann (Leslie), Holmes, Hunhoff (Jean), Hunt, Johns, Kirschman, Klumb, Langer, Marty, McCleerey, Munsterman, Novstrup (Al), Otten (Herman), Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell, Schaefer, Schoenbeck, Schoenfish, Schrempp, Sly, Soli, Stalzer, Stevens, Tulson, Werner, Westra, Willadsen, and Zikmund

A LEGISLATIVE COMMEMORATION, Honoring Allyson Monson of Clark, South Dakota, Girls State Governor, and Andrew Flannery of Elk Point, South Dakota, Boys State Governor, and commending the South Dakota American Legion and Auxiliary for their sponsorship and coordination of the Girls State and Boys State programs.

WHEREAS, Allyson Monson and Andrew Flannery have been selected and are serving in these high offices and are outstanding young South Dakota leaders; and

WHEREAS, the goals of Girls State and Boys State are to help youth understand and appreciate the American system of government and way of life, including the rights and

1 responsibilities of citizenship, and to give better knowledge of the fundamental principles of  
2 government within the State of South Dakota through a unique, learn-by-doing workshop; and

3 WHEREAS, the South Dakota American Legion and Auxiliary have worked diligently for  
4 more than seventy years in conducting these fine programs through the help of those who donate  
5 their time and energy to help these programs:

6 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the  
7 State of South Dakota, that Allyson Monson and Andrew Flannery are to be congratulated for  
8 their outstanding achievements and that the South Dakota American Legion and Auxiliary be  
9 recognized for their many years of sponsoring and conducting Girls State and Boys State.

10 Sen. Vehle moved that the Senate do now adjourn, which motion prevailed and at  
11 4:03 p.m. the Senate adjourned.

12 Kay Johnson, Secretary